

Senate File 484

H-8302

1 Amend the amendment, H-8300, to Senate File 484,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. By striking page 1, line 1, through page 22,  
5 line 25, and inserting:

6 <Amend Senate File 484, as amended, passed, and  
7 reprinted by the Senate, as follows:

8 \_\_\_\_\_. By striking everything after the enacting  
9 clause and inserting:

10 <Section 1. Section 124.204, subsection 4,  
11 paragraphs m and u, Code 2016, are amended by striking  
12 the paragraphs.

13 Sec. 2. Section 124.204, subsection 7, Code 2016,  
14 is amended by striking the subsection.

15 Sec. 3. Section 124.206, subsection 7, Code 2016,  
16 is amended to read as follows:

17 7. *Hallucinogenic substances*. Unless specifically  
18 excepted or unless listed in another schedule, any  
19 material, compound, mixture, or preparation which  
20 contains any quantity of the following substances,  
21 or, for purposes of paragraphs "a" and "b", which  
22 contains any of its salts, isomers, or salts of isomers  
23 whenever the existence of such salts, isomers, or salts  
24 of isomers is possible within the specific chemical  
25 designation (for purposes of this paragraph only, the  
26 term "isomer" includes the optical, positional, and  
27 geometric isomers):

28 a. ~~Marijuana when used for medicinal purposes~~  
29 ~~pursuant to rules of the board.~~

30 b. Tetrahydrocannabinols, meaning  
31 tetrahydrocannabinols naturally contained in a  
32 plant of the genus cannabis (cannabis plant) as well  
33 as synthetic equivalents of the substances contained  
34 in the cannabis plant, or in the resinous extractives  
35 of such plant, and synthetic substances, derivatives,

1 and their isomers with similar chemical structure and  
2 pharmacological activity to those substances contained  
3 in the plant, such as the following:

4 (1) 1 cis or trans tetrahydrocannabinol, and their  
5 optical isomers.

6 (2) 6 cis or trans tetrahydrocannabinol, and their  
7 optical isomers.

8 (3) 3,4 cis or trans tetrahydrocannabinol, and  
9 their optical isomers. (Since nomenclature of these  
10 substances is not internationally standardized,  
11 compounds of these structures, regardless of numerical  
12 designation of atomic positions covered.)

13 ~~b.~~ c. Nabilone [another name for

14 nabilone: (+-) -

15 trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-  
16 dimethyl-9H-dibenzo[b,d]pyran-9-one].

17 Sec. 4. Section 124.401, subsection 5, unnumbered  
18 paragraph 3, Code 2016, is amended to read as follows:

19 A person may knowingly or intentionally recommend,  
20 possess, use, dispense, deliver, transport, or  
21 administer ~~cannabidiol~~ medical cannabis if the  
22 recommendation, possession, use, dispensing, delivery,  
23 transporting, or administering is in accordance with  
24 the provisions of ~~chapter 124D~~ 124E. For purposes of  
25 this paragraph, ~~"cannabidiol"~~ "medical cannabis" means  
26 the same as defined in ~~section 124D.2~~ 124E.2.

27 Sec. 5. NEW SECTION. 124E.1 Short title.

28 This chapter shall be known and may be cited as the  
29 *"Compassionate Use of Medical Cannabis Act"*.

30 Sec. 6. NEW SECTION. 124E.2 Definitions.

31 As used in this chapter:

32 1. *"Debilitating medical condition"* means any of the  
33 following:

34 a. Cancer, if the underlying condition or treatment  
35 produces one or more of the following:

- 1 (1) Intractable pain.  
2 (2) Nausea or severe vomiting.  
3 (3) Cachexia or severe wasting.  
4 *b.* Multiple sclerosis.  
5 *c.* Epilepsy or seizure disorders.  
6 *d.* AIDS or HIV as defined in section 141A.1.  
7 *e.* Crohn's disease or ulcerative colitis.  
8 *f.* Amyotrophic lateral sclerosis.  
9 *g.* Intractable pain.  
10 *h.* Glaucoma.  
11 *i.* Any terminal illness, with a probable life  
12 expectancy of under one year, if the illness or its  
13 treatment produces one or more of the following:  
14 (1) Intractable pain.  
15 (2) Nausea or severe vomiting.  
16 (3) Cachexia or severe wasting.  
17 *j.* Any other chronic or debilitating disease or  
18 medical condition or its medical treatment approved by  
19 the department pursuant to rule.  
20 2. "*Department*" means the department of public  
21 health.  
22 3. "*Disqualifying felony offense*" means a violation  
23 under federal or state law of a felony offense, which  
24 has as an element the possession, use, or distribution  
25 of a controlled substance, as defined in 21 U.S.C.  
26 §802(6).  
27 4. "*Enclosed, locked facility*" means a closet, room,  
28 greenhouse, or other enclosed area equipped with locks  
29 or other security devices that permit access only by a  
30 cardholder.  
31 5. "*Health care practitioner*" means an individual  
32 licensed under chapter 148 to practice medicine and  
33 surgery or osteopathic medicine and surgery or an  
34 individual licensed to prescribe medicine in any other  
35 state and provides specialty care for an Iowa resident

1 for one or more of the debilitating medical conditions  
2 provided in this chapter.

3 6. "*Intractable pain*" means a pain in which the  
4 cause of the pain cannot be removed or otherwise  
5 treated with the consent of the patient and which, in  
6 the generally accepted course of medical practice, no  
7 relief or cure of the cause of the pain is possible,  
8 or none has been found after reasonable efforts.  
9 Reasonable efforts for relieving or curing the cause of  
10 the pain may be determined on the basis of but are not  
11 limited to any of the following:

12 a. When treating a nonterminally ill patient for  
13 intractable pain, evaluation by the attending physician  
14 and one or more physicians specializing in pain  
15 medicine or the treatment of the area, system, or organ  
16 of the body perceived as the source of the pain.

17 b. When treating a terminally ill patient,  
18 evaluation by the attending physician who does so in  
19 accordance with the level of care, skill, and treatment  
20 that would be recognized by a reasonably prudent  
21 physician under similar conditions and circumstances.

22 7. "*Medical cannabis*" means any species of the genus  
23 cannabis plant, or any mixture or preparation of them,  
24 including whole plant extracts and resins.

25 8. "*Medical cannabis manufacturer*" means an entity  
26 licensed by the department to manufacture and to  
27 possess, cultivate, transport, or supply medical  
28 cannabis pursuant to the provisions of this chapter.

29 9. "*Medical cannabis patient center*" means an entity  
30 licensed under section 124E.8 that acquires medical  
31 cannabis from a medical cannabis manufacturer in this  
32 state for the purpose of dispensing medical cannabis in  
33 this state pursuant to this chapter.

34 10. "*Primary caregiver*" means a person, at least  
35 eighteen years of age, who has been designated by a

1 patient's health care practitioner or a person having  
2 custody of a patient, as a necessary caretaker taking  
3 responsibility for managing the well-being of the  
4 patient with respect to the use of medical cannabis  
5 pursuant to the provisions of this chapter.

6 11. *Written certification* means a document signed  
7 by a health care practitioner, with whom the patient  
8 has established a patient-provider relationship, which  
9 states that the patient has a debilitating medical  
10 condition and identifies that condition and provides  
11 any other relevant information.

12 Sec. 7. NEW SECTION. 124E.3 Health care  
13 practitioner certification — duties.

14 1. Prior to a patient's submission of an  
15 application for a medical cannabis registration card  
16 pursuant to section 124E.4, a health care practitioner  
17 shall do all of the following:

18 a. Determine, in the health care practitioner's  
19 medical judgment, whether the patient whom the health  
20 care practitioner has examined and treated suffers from  
21 a debilitating medical condition that qualifies for  
22 the use of medical cannabis under this chapter, and  
23 if so determined, provide the patient with a written  
24 certification of that diagnosis.

25 b. Provide explanatory information as provided by  
26 the department to the patient about the therapeutic use  
27 of medical cannabis.

28 2. Determine, on an annual basis, if the patient  
29 continues to suffer from a debilitating medical  
30 condition and, if so, issue the patient a new  
31 certification of that diagnosis.

32 3. Otherwise comply with all requirements  
33 established by the department pursuant to rule.

34 4. A health care practitioner may provide, but has  
35 no duty to provide, a written certification pursuant

1 to this section.

2 Sec. 8. NEW SECTION. 124E.4 Medical cannabis  
3 registration card.

4 1. *Issuance to patient.* The department may approve  
5 the issuance of a medical cannabis registration card by  
6 the department of transportation to a patient who:

7 a. Is at least eighteen years of age.

8 b. Is a permanent resident of this state.

9 c. Submits a written certification to the  
10 department signed by the patient's health care  
11 practitioner that the patient is suffering from a  
12 debilitating medical condition.

13 d. Submits an application to the department, on a  
14 form created by the department, in consultation with  
15 the department of transportation, that contains all of  
16 the following:

17 (1) The patient's full name, Iowa residence  
18 address, date of birth, and telephone number.

19 (2) A copy of the patient's valid photo  
20 identification.

21 (3) Full name, address, and telephone number of the  
22 patient's health care practitioner.

23 (4) Full name, residence address, date of birth,  
24 and telephone number of each primary caregiver of the  
25 patient, if any.

26 (5) Any other information required by rule.

27 e. Submits a medical cannabis registration card  
28 fee of one hundred dollars to the department. If the  
29 patient attests to receiving social security disability  
30 benefits, supplemental security insurance payments, or  
31 being enrolled in medical assistance, the fee shall be  
32 twenty-five dollars.

33 2. *Patient card contents.* A medical cannabis  
34 registration card issued to a patient by the department  
35 of transportation pursuant to subsection 1 shall

1 contain, at a minimum, all of the following:

2     *a.* The patient's full name, Iowa residence address,  
3 and date of birth.

4     *b.* The patient's photograph.

5     *c.* The date of issuance and expiration date of the  
6 registration card.

7     *d.* Any other information required by rule.

8     3. *Issuance to primary caregiver.* For a patient in  
9 a primary caregiver's care, the department may approve  
10 the issuance of a medical cannabis registration card  
11 by the department of transportation to the primary  
12 caregiver who:

13     *a.* Is at least eighteen years of age.

14     *b.* Submits a written certification to the  
15 department signed by the patient's health care  
16 practitioner that the patient in the primary  
17 caregiver's care is suffering from a debilitating  
18 medical condition.

19     *c.* Submits an application to the department, on a  
20 form created by the department, in consultation with  
21 the department of transportation, that contains all of  
22 the following:

23         (1) The primary caregiver's full name, residence  
24 address, date of birth, and telephone number.

25         (2) The patient's full name.

26         (3) A copy of the primary caregiver's valid photo  
27 identification.

28         (4) Full name, address, and telephone number of the  
29 patient's health care practitioner.

30         (5) Any other information required by rule.

31     *d.* Submits a medical cannabis registration card fee  
32 of twenty-five dollars to the department.

33     4. *Primary caregiver card contents.* A medical  
34 cannabis registration card issued by the department  
35 of transportation to a primary caregiver pursuant to

1 subsection 3 shall contain, at a minimum, all of the  
2 following:

3     *a.* The primary caregiver's full name, residence  
4 address, and date of birth.

5     *b.* The primary caregiver's photograph.

6     *c.* The date of issuance and expiration date of the  
7 registration card.

8     *d.* The registration card number of each patient  
9 in the primary caregiver's care. If the patient  
10 in the primary caregiver's care is under the age of  
11 eighteen, the full name of the patient's parent or  
12 legal guardian.

13     *e.* Any other information required by rule.

14     5. *Expiration date of card.* A medical cannabis  
15 registration card issued pursuant to this section shall  
16 expire one year after the date of issuance and may be  
17 renewed.

18     6. *Card issuance — department of*  
19 *transportation.* The department may enter into  
20 a chapter 28E agreement with the department of  
21 transportation to facilitate the issuance of medical  
22 cannabis registration cards pursuant to subsections 1  
23 and 3.

24     Sec. 9. NEW SECTION. 124E.5 **Medical advisory board**  
25 **— duties.**

26     1. No later than August 15, 2016, the director  
27 of public health shall establish a medical advisory  
28 board consisting of nine practitioners representing the  
29 fields of neurology, pain management, gastroenterology,  
30 oncology, psychiatry, pediatrics, infectious disease,  
31 family medicine, and pharmacy. The practitioners  
32 shall be nationally board-certified in their area of  
33 specialty and knowledgeable about the use of medical  
34 cannabis.

35     2. A quorum of the advisory board shall consist of

1 five members.

2 3. The duties of the advisory board shall include  
3 but not be limited to the following:

4 a. Reviewing and recommending to the department for  
5 approval additional chronic or debilitating diseases or  
6 medical conditions or their treatments as debilitating  
7 medical conditions that qualify for the use of medical  
8 cannabis under this chapter.

9 b. Accepting and reviewing petitions to add chronic  
10 or debilitating diseases or medical conditions or their  
11 medical treatments to the list of debilitating medical  
12 conditions that qualify for the use of medical cannabis  
13 under this chapter.

14 c. Advising the department regarding the location  
15 and number of necessary medical cannabis patient  
16 centers throughout the state on a continuous basis, the  
17 form and quantity of allowable medical cannabis to be  
18 dispensed to a patient or primary caregiver, and the  
19 general oversight of medical cannabis manufacturers and  
20 medical cannabis patient centers in this state.

21 d. Convening at least twice per year to conduct  
22 public hearings and to evaluate petitions, which  
23 shall be maintained as confidential personal health  
24 information, to add chronic or debilitating diseases or  
25 medical conditions or their medical treatments to the  
26 list of debilitating medical conditions that qualify  
27 for the use of medical cannabis under this chapter.

28 Sec. 10. NEW SECTION. **124E.6 Medical cannabis**  
29 **manufacturer licensure.**

30 1. a. The department shall license up to two  
31 medical cannabis manufacturers to manufacture  
32 medical cannabis within this state consistent with  
33 the provisions of this chapter by December 1, 2016.  
34 The department shall license new medical cannabis  
35 manufacturers or relicense the existing medical

1 cannabis manufacturers by December 1 of each year.

2 *b.* Information submitted during the application  
3 process shall be confidential until the medical  
4 cannabis manufacturer is licensed by the department  
5 unless otherwise protected from disclosure under state  
6 or federal law.

7 2. As a condition for licensure, a medical cannabis  
8 manufacturer must agree to begin supplying medical  
9 cannabis to medical cannabis patient centers in this  
10 state by July 1, 2017.

11 3. The department shall consider the following  
12 factors in determining whether to license a medical  
13 cannabis manufacturer:

14 *a.* The technical expertise of the medical cannabis  
15 manufacturer in medical cannabis.

16 *b.* The qualifications of the medical cannabis  
17 manufacturer's employees.

18 *c.* The long-term financial stability of the medical  
19 cannabis manufacturer.

20 *d.* The ability to provide appropriate security  
21 measures on the premises of the medical cannabis  
22 manufacturer.

23 *e.* Whether the medical cannabis manufacturer  
24 has demonstrated an ability to meet certain medical  
25 cannabis production needs for medical use regarding  
26 the range of recommended dosages for each debilitating  
27 medical condition, the range of chemical compositions  
28 of any plant of the genus cannabis that will likely  
29 be medically beneficial for each of the debilitating  
30 medical conditions, and the form of the medical  
31 cannabis in the manner determined by the department  
32 pursuant to rule.

33 *f.* The medical cannabis manufacturer's projection  
34 of and ongoing assessment of fees on patients with  
35 debilitating medical conditions.

1 4. The department shall require each medical  
2 cannabis manufacturer to contract with the state  
3 hygienic laboratory at the university of Iowa in Iowa  
4 City to test the medical cannabis produced by the  
5 manufacturer. The department shall require that the  
6 laboratory report testing results to the manufacturer  
7 in a manner determined by the department pursuant to  
8 rule.

9 5. Each entity submitting an application for  
10 licensure as a medical cannabis manufacturer shall pay  
11 a nonrefundable application fee of seven thousand five  
12 hundred dollars to the department.

13 **Sec. 11. NEW SECTION. 124E.7 Medical cannabis**  
14 **manufacturers.**

15 1. A medical cannabis manufacturer shall contract  
16 with the state hygienic laboratory at the university  
17 of Iowa in Iowa City for purposes of testing the  
18 medical cannabis manufactured by the medical cannabis  
19 manufacturer as to content, contamination, and  
20 consistency. The cost of all laboratory testing shall  
21 be paid by the medical cannabis manufacturer.

22 2. The operating documents of a medical cannabis  
23 manufacturer shall include all of the following:

24 a. Procedures for the oversight of the medical  
25 cannabis manufacturer and procedures to ensure accurate  
26 record keeping.

27 b. Procedures for the implementation of appropriate  
28 security measures to deter and prevent the theft of  
29 medical cannabis and unauthorized entrance into areas  
30 containing medical cannabis.

31 3. A medical cannabis manufacturer shall implement  
32 security requirements, including requirements for  
33 protection of each location by a fully operational  
34 security alarm system, facility access controls,  
35 perimeter intrusion detection systems, and a personnel

1 identification system.

2 4. A medical cannabis manufacturer shall not share  
3 office space with, refer patients to, or have any  
4 financial relationship with a health care practitioner.

5 5. A medical cannabis manufacturer shall not permit  
6 any person to consume medical cannabis on the property  
7 of the medical cannabis manufacturer.

8 6. A medical cannabis manufacturer is subject to  
9 reasonable inspection by the department.

10 7. A medical cannabis manufacturer shall not  
11 employ a person under eighteen years of age or who has  
12 been convicted of a disqualifying felony offense. An  
13 employee of a medical cannabis manufacturer shall be  
14 subject to a background investigation conducted by the  
15 division of criminal investigation of the department  
16 of public safety and a national criminal history  
17 background check.

18 8. A medical cannabis manufacturer shall not  
19 operate in any location, whether for manufacturing,  
20 cultivating, harvesting, packaging, or processing,  
21 within one thousand feet of a public or private school  
22 existing before the date of the medical cannabis  
23 manufacturer's licensure by the department.

24 9. A medical cannabis manufacturer shall comply  
25 with reasonable restrictions set by the department  
26 relating to signage, marketing, display, and  
27 advertising of medical cannabis.

28 10. *a.* A medical cannabis manufacturer shall  
29 provide a reliable and ongoing supply of medical  
30 cannabis to medical cannabis patient centers pursuant  
31 to this chapter.

32 *b.* All manufacturing, cultivating, harvesting,  
33 packaging, and processing of medical cannabis shall  
34 take place in an enclosed, locked facility at a  
35 physical address provided to the department during the

1 licensure process.

2 *c.* A medical cannabis manufacturer shall not  
3 manufacture edible medical cannabis products utilizing  
4 food coloring.

5 *d.* A medical cannabis manufacturer shall  
6 manufacture a reliable and ongoing supply of medical  
7 cannabis to treat every debilitating medical condition  
8 listed in this chapter.

9 **Sec. 12. NEW SECTION. 124E.8 Medical cannabis**  
10 **patient center licensure.**

11 1. *a.* The department shall license by April 1,  
12 2017, up to four medical cannabis patient centers to  
13 dispense medical cannabis within this state consistent  
14 with the provisions of this chapter. The department  
15 shall license new medical cannabis patient centers or  
16 relicense the existing medical cannabis manufacturers  
17 by December 1 of each year.

18 *b.* Information submitted during the application  
19 process shall be confidential until the medical  
20 cannabis patient center is licensed by the department  
21 unless otherwise protected from disclosure under state  
22 or federal law.

23 2. As a condition for licensure, a medical cannabis  
24 patient center must agree to begin supplying medical  
25 cannabis to patients by July 1, 2017.

26 3. The department shall consider the following  
27 factors in determining whether to license a medical  
28 cannabis patient center:

29 *a.* The technical expertise of the medical cannabis  
30 patient center regarding medical cannabis.

31 *b.* The qualifications of the medical cannabis  
32 patient center's employees.

33 *c.* The long-term financial stability of the medical  
34 cannabis patient center.

35 *d.* The ability to provide appropriate security

1 measures on the premises of the medical cannabis  
2 patient center.

3 e. The medical cannabis patient center's projection  
4 and ongoing assessment of fees for the purchase of  
5 medical cannabis on patients with debilitating medical  
6 conditions.

7 4. Each entity submitting an application for  
8 licensure as a medical cannabis patient center shall  
9 pay a nonrefundable application fee of five thousand  
10 dollars to the department.

11 Sec. 13. NEW SECTION. **124E.9 Medical cannabis**  
12 **patient centers.**

13 1. a. The medical cannabis patient centers shall  
14 be located based on geographical need throughout the  
15 state to improve patient access.

16 b. A medical cannabis patient center may dispense  
17 medical cannabis pursuant to the provisions of this  
18 chapter but shall not dispense any medical cannabis  
19 in a form or quantity other than the form or quantity  
20 allowed by the department pursuant to rule.

21 2. The operating documents of a medical cannabis  
22 patient center shall include all of the following:

23 a. Procedures for the oversight of the medical  
24 cannabis patient center and procedures to ensure  
25 accurate record keeping.

26 b. Procedures for the implementation of appropriate  
27 security measures to deter and prevent the theft of  
28 medical cannabis and unauthorized entrance into areas  
29 containing medical cannabis.

30 3. A medical cannabis patient center shall  
31 implement security requirements, including requirements  
32 for protection by a fully operational security alarm  
33 system, facility access controls, perimeter intrusion  
34 detection systems, and a personnel identification  
35 system.

1 4. A medical cannabis patient center shall not  
2 share office space with, refer patients to, or have any  
3 financial relationship with a health care practitioner.

4 5. A medical cannabis patient center shall not  
5 permit any person to consume medical cannabis on the  
6 property of the medical cannabis patient center.

7 6. A medical cannabis patient center is subject to  
8 reasonable inspection by the department.

9 7. A medical cannabis patient center shall not  
10 employ a person under eighteen years of age or who has  
11 been convicted of a disqualifying felony offense. An  
12 employee of a medical cannabis patient center shall be  
13 subject to a background investigation conducted by the  
14 division of criminal investigation of the department  
15 of public safety and a national criminal history  
16 background check.

17 8. A medical cannabis patient center shall not  
18 operate in any location within one thousand feet of a  
19 public or private school existing before the date of  
20 the medical cannabis patient center's licensure by the  
21 department.

22 9. A medical cannabis patient center shall  
23 comply with reasonable restrictions set by the  
24 department relating to signage, marketing, display, and  
25 advertising of medical cannabis.

26 10. Prior to dispensing of any medical cannabis,  
27 a medical cannabis patient center shall do all of the  
28 following:

29 a. Verify that the medical cannabis patient center  
30 has received a valid medical cannabis registration card  
31 from a patient or a patient's primary caregiver, if  
32 applicable.

33 b. Assign a tracking number to any medical cannabis  
34 dispensed from the medical cannabis patient center.

35 c. (1) Properly package medical cannabis in

1 compliance with federal law regarding child resistant  
2 packaging and exemptions for packaging for elderly  
3 patients, and label medical cannabis with a list of  
4 all active ingredients and individually identifying  
5 information, including all of the following:

6 (a) The name and date of birth of the patient and  
7 the patient's primary caregiver, if appropriate.

8 (b) The medical cannabis registration card numbers  
9 of the patient and the patient's primary caregiver, if  
10 applicable.

11 (c) The chemical composition of the medical  
12 cannabis.

13 (2) Proper packaging of medical cannabis shall  
14 include but not be limited to all of the following:

15 (a) Warning labels regarding the use of medical  
16 cannabis by a woman during pregnancy and while  
17 breastfeeding.

18 (b) Clearly labeled packaging indicating that  
19 an edible medical cannabis product contains medical  
20 cannabis and which packaging shall not imitate candy  
21 products or in any way make the product marketable to  
22 children.

23 11. A medical cannabis patient center shall employ  
24 a pharmacist licensed pursuant to chapter 155A.

25 12. A medical cannabis patient center shall keep  
26 a reliable and ongoing supply of medical cannabis to  
27 treat every debilitating medical condition listed in  
28 this chapter.

29 Sec. 14. NEW SECTION. 124E.10 Department duties  
30 — rules.

31 1. a. The department shall maintain a confidential  
32 file of the names of each patient to or for whom the  
33 department issues a medical cannabis registration  
34 card, the name of each primary caregiver to whom the  
35 department issues a medical cannabis registration card

1 under section 124E.4, and the names of each health care  
2 practitioner who provides a written certification for  
3 medical cannabis pursuant to this chapter.

4 *b.* Individual names contained in the file shall be  
5 confidential and shall not be subject to disclosure,  
6 except as provided in subparagraph (1).

7 (1) Information in the confidential file maintained  
8 pursuant to paragraph "a" may be released on an  
9 individual basis to the following persons under the  
10 following circumstances:

11 (a) To authorized employees or agents of the  
12 department and the department of transportation as  
13 necessary to perform the duties of the department and  
14 the department of transportation pursuant to this  
15 chapter.

16 (b) To authorized employees of state or local  
17 law enforcement agencies, but only for the purpose of  
18 verifying that a person is lawfully in possession of a  
19 medical cannabis registration card issued pursuant to  
20 this chapter.

21 (c) To authorized employees of a medical cannabis  
22 patient center, but only for the purpose of verifying  
23 that a person is lawfully in possession of a medical  
24 cannabis registration card issued pursuant to this  
25 chapter.

26 (2) Release of information pursuant to subparagraph  
27 (1) shall be consistent with the federal Health  
28 Insurance Portability and Accountability Act of 1996,  
29 Pub. L. No. 104-191.

30 2. The department shall adopt rules pursuant to  
31 chapter 17A to administer this chapter which shall  
32 include but not be limited to rules to do all of the  
33 following:

34 *a.* Govern the manner in which the department shall  
35 consider applications for new and renewal medical

1 cannabis registration cards.

2 *b.* Identify criteria and set forth procedures for  
3 including additional chronic or debilitating diseases  
4 or medical conditions or their medical treatments  
5 on the list of debilitating medical conditions that  
6 qualify for the use of medical cannabis. Procedures  
7 shall include a petition process and shall allow for  
8 public comment and public hearings before the medical  
9 advisory board.

10 *c.* Set forth additional chronic or debilitating  
11 diseases or medical conditions or associated medical  
12 treatments for inclusion on the list of debilitating  
13 medical conditions that qualify for the use of medical  
14 cannabis as recommended by the medical advisory board.

15 *d.* Establish the form and quantity of medical  
16 cannabis allowed to be dispensed to a patient or  
17 primary caregiver pursuant to this chapter. The  
18 form and quantity of medical cannabis shall be  
19 appropriate to serve the medical needs of patients with  
20 debilitating conditions.

21 *e.* Establish requirements for the licensure of  
22 medical cannabis manufacturers and medical cannabis  
23 patient centers and set forth procedures for medical  
24 cannabis manufacturers and medical cannabis patient  
25 centers to obtain licenses.

26 *f.* Develop a dispensing system for medical cannabis  
27 within this state that provides for all of the  
28 following:

29 (1) Medical cannabis patient centers within  
30 this state housed on secured grounds and operated by  
31 licensed medical cannabis patient centers.

32 (2) The dispensing of medical cannabis to patients  
33 and their primary caregivers to occur at locations  
34 designated by the department.

35 *g.* Specify and implement procedures that address

1 public safety including security procedures and product  
2 quality including measures to ensure contaminant-free  
3 cultivation of medical cannabis, safety, and labeling.

4 *h.* Establish and implement a real-time, statewide  
5 medical cannabis registry management sale tracking  
6 system that is available to medical cannabis patient  
7 centers on a twenty-four-hour-day, seven-day-a-week  
8 basis for the purpose of verifying that a person  
9 is lawfully in possession of a medical cannabis  
10 registration card issued pursuant to this chapter  
11 and for tracking the date of the sale and quantity of  
12 medical cannabis purchased by a patient or a primary  
13 caregiver.

14 *i.* Establish and implement a medical cannabis  
15 inventory and delivery tracking system to track  
16 medical cannabis from production by a medical cannabis  
17 manufacturer through dispensing at a medical cannabis  
18 patient center.

19 Sec. 15. NEW SECTION. **124E.11 Reciprocity.**

20 A valid medical cannabis registration card, or its  
21 equivalent, issued under the laws of another state  
22 that allows an out-of-state patient to possess or  
23 use medical cannabis in the jurisdiction of issuance  
24 shall have the same force and effect as a valid  
25 medical cannabis registration card issued pursuant to  
26 this chapter, except that an out-of-state patient in  
27 this state shall not obtain medical cannabis from a  
28 medical cannabis patient center in this state and an  
29 out-of-state patient shall not smoke medical cannabis.

30 Sec. 16. NEW SECTION. **124E.12 Use of medical  
31 cannabis — smoking prohibited.**

32 A patient shall not consume medical cannabis  
33 possessed or used as authorized by this chapter by  
34 smoking medical cannabis.

35 Sec. 17. NEW SECTION. **124E.13 Use of medical**

1 **cannabis — affirmative defenses.**

2 1. A health care practitioner, including any  
3 authorized agent or employee thereof, shall not be  
4 subject to prosecution for the unlawful certification,  
5 possession, or administration of marijuana under the  
6 laws of this state for activities arising directly  
7 out of or directly related to the certification or  
8 use of medical cannabis in the treatment of a patient  
9 diagnosed with a debilitating medical condition as  
10 authorized by this chapter.

11 2. A medical cannabis manufacturer, including any  
12 authorized agent or employee thereof, shall not be  
13 subject to prosecution for manufacturing, possessing,  
14 cultivating, harvesting, packaging, processing,  
15 transporting, or supplying medical cannabis pursuant  
16 to this chapter.

17 3. A medical cannabis patient center, including  
18 any authorized agent or employee thereof, shall not be  
19 subject to prosecution for transporting, supplying, or  
20 dispensing medical cannabis pursuant to this chapter.

21 a. In a prosecution for the unlawful possession  
22 of marijuana under the laws of this state, including  
23 but not limited to chapters 124 and 453B, it is an  
24 affirmative and complete defense to the prosecution  
25 that the patient has been diagnosed with a debilitating  
26 medical condition, used or possessed medical  
27 cannabis pursuant to a certification by a health care  
28 practitioner as authorized under this chapter, and,  
29 for a patient eighteen years of age or older, is in  
30 possession of a valid medical cannabis registration  
31 card.

32 b. In a prosecution for the unlawful possession  
33 of marijuana under the laws of this state, including  
34 but not limited to chapters 124 and 453B, it is an  
35 affirmative and complete defense to the prosecution

1 that the person possessed medical cannabis because the  
2 person is a primary caregiver of a patient who has been  
3 diagnosed with a debilitating medical condition and is  
4 in possession of a valid medical cannabis registration  
5 card, and where the primary caregiver's possession of  
6 the medical cannabis is on behalf of the patient and  
7 for the patient's use only as authorized under this  
8 chapter.

9 c. If a patient or primary caregiver is charged  
10 with the commission of a crime and is not in possession  
11 of the person's medical cannabis registration card,  
12 any charge or charges filed against the person shall  
13 be dismissed by the court if the person produces to  
14 the court prior to or at the person's trial a medical  
15 cannabis registration card issued to that person and  
16 valid at the time the person was charged.

17 4. An agency of this state or a political  
18 subdivision thereof, including any law enforcement  
19 agency, shall not remove or initiate proceedings to  
20 remove a patient under the age of eighteen from the  
21 home of a parent based solely upon the parent's or  
22 patient's possession or use of medical cannabis as  
23 authorized under this chapter.

24 Sec. 18. NEW SECTION. 124E.14 Fees.

25 Medical cannabis registration card fees and medical  
26 cannabis manufacturer and medical cannabis patient  
27 center application and annual fees collected by the  
28 department pursuant to this chapter shall be retained  
29 by the department, shall be considered repayment  
30 receipts as defined in section 8.2, and shall be  
31 used for the purpose of regulating medical cannabis  
32 manufacturers and medical cannabis patient centers and  
33 for other expenses necessary for the administration of  
34 this chapter. Notwithstanding section 8.33, moneys  
35 that remain unencumbered or unobligated at the end of

1 the fiscal year shall not revert to the general fund  
2 of the state.

3 Sec. 19. NEW SECTION. 124E.15 Penalties.

4 1. A person who knowingly or intentionally  
5 possesses or uses medical cannabis in violation of  
6 the requirements of this chapter is subject to the  
7 penalties provided under chapters 124 and 453B.

8 2. A medical cannabis manufacturer or a medical  
9 cannabis patient center shall be assessed a civil  
10 penalty of up to one thousand dollars per violation for  
11 any violation of this chapter in addition to any other  
12 applicable penalties.

13 Sec. 20. REPEAL. Chapter 124D, Code 2016, is  
14 repealed.

15 Sec. 21. EMERGENCY RULES. The department may  
16 adopt emergency rules under section 17A.4, subsection  
17 3, and section 17A.5, subsection 2, paragraph "b", to  
18 implement the provisions of this Act and the rules  
19 shall be effective immediately upon filing unless  
20 a later date is specified in the rules. Any rules  
21 adopted in accordance with this section shall also be  
22 published as a notice of intended action as provided  
23 in section 17A.4.

24 Sec. 22. TRANSITION PROVISIONS. A medical cannabis  
25 registration card issued under chapter 124D prior to  
26 July 1, 2016, remains effective and continues in effect  
27 as issued for the twelve-month period following its  
28 issuance. This Act does not preclude the permit holder  
29 from seeking to renew the permit under this Act prior  
30 to the expiration of the twelve-month period.

31 Sec. 23. EFFECTIVE UPON ENACTMENT. This Act, being  
32 deemed of immediate importance, takes effect upon  
33 enactment.>

34 2. Title page, line 2, after <fees> by inserting <,  
35 and including effective date provisions>>

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FORBES of Polk

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